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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gary L. Sextro

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EXAMINER

LU, SHIRLEY

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/829,468

Applicant(s)

SEXTRO ET AL.

Examiner

Shirley Lu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/19/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's cancelled claims 20-23 on 30 January 2006.

Claims 1-19 are now pending.

Claims 1-17 were appealed.

This action is a non-final.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claim(s) 1, 2, 4, 14, 18-19 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler et al. (2002/0007493) in view of Smallcomb (5938737).**

As to claim 1, Butler et al. discloses:

receiving a terrestrial broadcast signal comprising a video stream (terrestrial broadcast source [0013]);

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interpreting commands embedded in the video stream, said embedded commands operable to access interactive features; said embedded commands synchronized and correlated with additional Internet-based content ([0015]; [0051]);

displaying said additional Internet-based content superimposed on said video stream from said terrestrial broadcast signal ([0044]; [0051]).

Butler fails to specifically teach, receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission.

Smallcomb discloses receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Butler to teach receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

As to claim 2 Butler et al. discloses:

said embedding comprising embedding HTML commands (see claim 1).

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As to claim 4 Butler et al. discloses:

said embedding comprising embedding delimiters to define sequential video clips for storage and future display stream ([0031]; [0055]; [0060]).

As to claim 14 Butler et al. discloses:

said embedding comprising embedding commands utilizing streaming data from said Internet or television broadcast to further enhance the viewing experience by continuously superimposing interactive data in various locations on said broadcast video ([0015]; [0044]; [0048]).

As to claim 18,

Butler et al. discloses:

a broadcast video receiver for receiving video data from a video provider service via terrestrial broadcast transmission (terrestrial broadcast source [0013]);

an internet browser providing bidirectional access to internet content ([0041])

a graphics processor capable of receiving said broadcast video content and said internet content and providing combined video data comprised of both broadcast video content and internet content (met as discussed above and by processor 52, figure 2;

"FIG. 2 shows an example implementation of PC 14 in more detail. PC 14 is enhanced for purposes of displaying broadcast television and accompanying digital data content" [0031]).

a display in communication with said graphics processor for displaying said combined video data (monitor 68, figure 2; [0034]).

a viewer interface interpreting viewer input and sending corresponding data content through said internet browser to a third party [0029]; [0042]; [0022]).

Butler does not expressly teach said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission.

Smallcomb discloses said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Butler to teach said internet browser receiving said internet content via satellite transmission, and said internet browser sending said internet content via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

As to claim 19,

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said internet browser, said graphics processor, and said viewer interface comprising an interactive set-top box (see claim 18).

**2. Claim(s) 1, 3, 5-10, 12-13, 15-17 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (2004/0117831) in view of Smallcomb (5938737).**

As to claim 1, Ellis et al. discloses:

receiving a terrestrial broadcast signal comprising a video stream ([0096]);

interpreting commands embedded in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0091]; [0183])

displaying said additional Internet-based content superimposed on said video stream from said terrestrial broadcast signal (television 30, figure 1A; [0186]; [0166]).

Ellis does not expressly teach, receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission.

Smallcomb discloses receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission (satellite downstream telephone line upstream for internet data; col. 3, lines 41-67).

It would have been obvious to one of ordinary skill in the art to modify Ellis to teach receiving said Internet-based content via satellite transmission, and sending transmitting information via landline transmission, so as to reduce user upstream costs, while enjoying the benefits of broadband connections.

As to claim 3, Ellis et al. discloses:

providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream (met as claimed above in claim 1 with respect to Ellis et al.; [0098]).

As to claim 5, Ellis et al. discloses:

said embedding comprising embedding delimiters to define sequential video clips for storage and future display, each of said sequential video clips comprising a segment of a sporting event ([0184]; [0138-0139]; [0044]; [0175-0176]).

As to claim 6, Ellis et al. discloses:

storing one or more of said video clips of said selected plays; summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays; replaying one of said video clips upon viewer selection of a corresponding said coded indicator (see claim 5; [0018]; [0169]; [0184]).



As to claim 7 Ellis et al. discloses:

comprising selecting a fixed graphic format for viewing on a standard non-interactive television (program guide as shown in figure 31).

As to claim 8 Ellis et al. discloses:

said embedding comprising embedding commands in said video stream to facilitate polling of viewers, allowing said viewers to vote on an aspect of said simultaneously displayed broadcast data ("The user may view a controllable sports ticker, as shown for example in FIG. 35, by selecting option 354. The user may participate in sports wagering and voting as well, as shown for example in FIGS. 36-38, by selecting option 355. The user may participate in fantasy sports leagues, as shown for example in FIGS. 39-40, by selecting option 356" [0166]).

As to claim 9, see claim 10.

As to claims 10 Ellis et al. discloses:

said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products, selected from the group consisting of: tickets to future sporting events, travel packages, and sports apparel ([0166]; [0185]).

As to claim 12 Ellis et al. discloses:

said embedding comprising embedding commands enabling a viewer to interactively complete a transaction to purchase various products by selecting an Internet generated

icon on the display screen ("a user could click on Tim Allen's Binford saw during an episode of "Tool Time" to find out more information about it such as where to purchase it" [0046]; "guide may provide web sites or merchandise in a shopping application that match the user's preferences" [0203]).

As to claim 13 Ellis et al. discloses:

said embedding comprising embedding commands enabling a viewer to interactively complete a transaction to purchase various products and receive confirmation of said transaction in real-time on a display screen (see claim 12 and also "Screen 400 may also provide other options such as the option to buy tickets for local sports events by selecting option 403. When the user selects option 403, the program guide may provide a schedule of sporting events. The user may select a sporting event to purchase a ticket for that event. Sporting schedules may be obtained from a real-time data source, server, or other database" [0185]).

As to claim 15 Ellis et al. discloses:

said embedding comprising embedding commands utilizing streaming data comprising a selected personalized portfolio of stocks, the ticker for said selected portfolio being taken from market data embedded in said video stream and presented and updated in a banner or window on said display screen ([0091]; [0235-0237]; [0242]; [102]).

As to claim 16 Ellis et al. discloses:

comprising editing interactive data selected from a group consisting of sports teams and portfolio stocks from a screen menu in real-time (see claim 15; [0057]; [0202]; [0111]).

As to claim 17 Ellis et al. discloses:

comprising providing taskbars displaying various accounts in the home (see claim 11; [0202]).

**3. Claim(s) 11 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler (20020007493) in view of Ellis et al. (2004/0117831).**

As to claim 11,

Butler discloses:

providing a broadcast signal comprising a video stream ([0013]);

embedding commands in the video stream, said embedded commands operable to access interactive features, said embedded commands synchronized and correlated with additional Internet-based content ([0015]; [0051]).

displaying said additional Internet-based content superimposed on said video stream from said traditional broadcast signal ([0044]; [0051]).

Butler does not expressly teach said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products selected using analysis of said viewer's habits.

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Ellis discloses said embedding comprising embedding commands in said video stream to prompt access to Internet sites based on a viewer ([0166-0167]; [0185]; [0140]; [0203]; [0131]; [0245]; [0250]; [0008]; [0010]).

It would have been obvious to one of ordinary skill in the art to modify Butler to teach said embedding comprising embedding commands in said video stream to prompt access to Internet sites offering pushed products selected using analysis of said viewer's habits, so as to provide customizable features of interest to particular users.

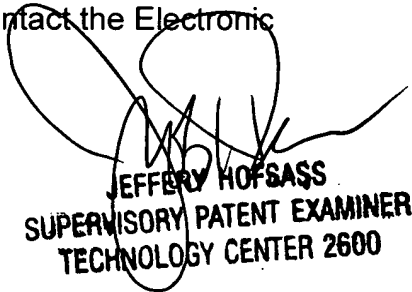
### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SL

  
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